

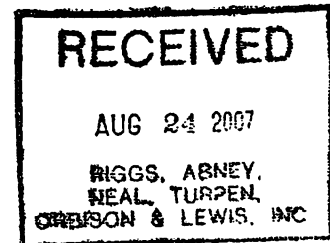
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August 23, 2007

***Via Certified Mail***

David Riggs  
Riggs Abney Neal Turpen Orbison & Lewis  
502 West 6<sup>th</sup> Street  
Tulsa, Oklahoma 74119-1010

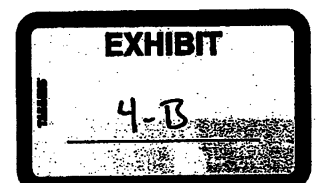


Re: ***State of Oklahoma v. Tyson Foods, Inc., et al.,***  
**Case No. 05-CV-0329 GKF-SAJ**  
**In the U.S. District Court, Northern District of Oklahoma**  
**Follow Up to Communications between Plaintiff's Counsel and**  
**Kerry Kinyon**

Dear David:

We received your correspondence of August 9 and the attached documents in response to my request for a full explanation of the communications the Attorney General and his outside counsel had with our client's former Executive, Kerry Kinyon. I do recognize that it appears that Mr. Bingham did make some efforts to ascertain Mr. Kinyon's status prior to having substantive discussions; however, this does not resolve what is a very concerning ethical and legal issue. As I previously explained to you Mr. Kinyon has served as a client representative, and at times, the primary liaison between Peterson Farms' legal counsel and the company. He has held this role in multiple cases of litigation, and was privy to a significant volume of attorney-client privileged information as well as protected attorney work product. Peterson Farms is the holder of these protections from disclosure, and only Peterson Farms can affirmatively waive these protections against disclosure.

Your team has been aware of Mr. Kinyon's involvement in protected matters and communications from the outset of these communications. Mr. Kinyon made his insider status in the litigation clear when he identified himself to Mr. Rice as one of Peterson Farms' representatives at the mediation sessions in this matter. Thus, your attempts to satisfy yourself that you were free to solicit information from Mr. Kinyon without involvement of Peterson's counsel were superficial at best. Mr. Kinyon obviously harbors anger and resentment



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surrounding his separation from Peterson Farms, and he has made it clear in his communications that he would like to hurt the company in some way. Given his personal agenda and desire to be compensated for his assistance, Peterson Farms' concern that Mr. Kinyon will knowingly and intentionally breach his duty to preserve Peterson Farms' privileges against disclosure of protected documents, communications and mental impressions of counsel is reasonable. Likewise, should any of the plaintiff's legal team or its representatives seek to further communicate with Mr. Kinyon, you will be knowingly inviting the breach of privileges by one who is not authorized to do so. This is very thin ice, which may present the Attorney General and his counsel with very severe repercussions, which we are currently evaluating

Accordingly, I strongly recommend that the plaintiff cease any further informal communications with Mr. Kinyon. You are free to take the deposition of Mr. Kinyon, which will afford Peterson Farms the opportunity to assert its privileges, which you have thus far subverted. I request that you respond by advising me whether plaintiff will follow this recommendation or not at your earliest opportunity.

Best regards

MCDANIEL, HIXON, LONGWELL & ACCORD, PLLC



A. Scott McDaniel

ASM:jlw

cc: Sherry Bartley, Esq.  
Mr. Kerry Kinyon (*Via Certified Mail*)  
14350 Bethlehem Rd.  
Gravette, AR 72736